FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * *

The Petitioner herein requests a variance to permit a front setback from the street centerline of 95 feet in lieu of the required 100 feet, and to amend the partial development plan for Lot 7 to allow construction outside the building envelope, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petition were James W. McKee and James Grammer of McKee & Associates. There were no Protestants.

Testimony indicated that the Petitioner has almost completed construction of a new dwelling on the subject property. McKee & Associates made a 5foot error on the plans when the house was staked out. As a result, the house is 95 feet from the centerline of the roadway, which is currently a panhandle drive with a reserved 50-foot right-of-way for future extension. Mr. Layman testified that extreme hardship and practical difficulty would result if he were required to tear down and rebuild his home in order to comply with the zoning regulations.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Deputy Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variances should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety, and/or general welfare

February 5, 1988

628 Brunskwick Road, Apt. 1A Baltimore, Maryland 21221

RE: Petition for Zoning Variance SE/S Timber Shed Court, 1,386.32' SW from the c/l of Slab Bridge Road (19 Timber Shed Court) 6th Election District, 3rd Councilmanic District Case No. 88-361-A

Dear Mr. Layman:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restriction

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ Deputy Zoning Commissioner of Baltimore County

Enclosures

cc: James W. McKee James Grammer, McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, Md. 21030

People's Counsel

of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Deputy Zoning Commissioner, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5 day of February, 1968 that a front setback from the street centerline of 95 feet in lieu of the required 100 feet, and an amendment to the partial development plan for Lot 7 to llow construction outside the building envelope, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> > ANN M. NASTAROWICZ Deputy Zoning Commissioner of Baltimore County

UNIMPROVED EXISTING ZONING RU-4 _ KEQUESTED VAKANCE requesting a variance from SECTION 1403.4. E4 TO ALLOW FOR A 95' FRONT SETBACK FROM STREET CENTERLINE, IN LIEJ OF THE REQUIRED 100' SETENCE FROM STREET CENTERLINE. PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE #19 TIMBER. SHED COURT James W. McKee, MD Reg. No.9012 Date MCKEE & ASSOCIATES, INC. WI 7 CIVIL ENGINEERS - LAND SURVEYORS PHASE ONE! Shawan Place • 5 Shawan Road TIMBEREROOK FARMS Hunt Valley, MD 21030 301-252-5820 L 56/112

PETITON FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section _1A03.4.Bt to_allow for a 95 fact from setback from street___ Centerline, in lieu of the required 100 foot setback from street centerline, and to amend the partial development plan (Lot 7) to allow construction outside the of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; 10 km NW37/ following reasons: (indicate hardship or practical difficulty) 26 The existing foundation encroaches beyond the required setback of 100 feet rom 6th Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of 42,645 Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): Bussell S. Layman (Type or Print Name) Type or Print Name) Signature (Type or Print Name) City and State Signature Attorney for Petitioner: 828 Apt. 1% Brunswick Road 686-0802 (Type or Print Name) Baltimore Maryland 21221 **************** City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted McKee & Associates, Inc. Shawan Place, 5 Shawan Road Attorney's Telephone No.: Bunt Valley Muyland 21030 301-251-5820 ORDERED By The Zoning Commissioner of Baltimore County, this

ITY NEWSPAPERS OF MARYLAND, INC. estminster, Md. Can. 14, 1988

Y that the annexed English Nilinia P. . . 7 96184 (1) Secressive measure days provious of January 1998 inty Times, a daily newspaper published in Westminster, Carroll County, Mary and n News, a weekly newspaper published in Baltimore County, Maryland. Times, a weekly newspaper published in Baltimore County, Maryland TY NEWSPAPERS OF MARYLAND INC.

Portional Cicles

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Your petition has been received and accepted for filing this

70NING COMMISSIONER

Petitioner Russell S. Laysan Petitioner's Attorney _____

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 84-361-1 Posted for: Variance

Petitioner: Regall of regimen

Location of property: Stefs of Timber Affect Prest 1386, 321510/

from the CIR of Alast Paredge Rod (12 Junior Affect)

Location of Signs: Line front of # 12 Junior Affect Court

County Office Building 111 W. Chasapeake Avenue Towson, Maryland 21204

18th day of December , 1987.

Received by: James E. Dyer Chairman, Zoning Plans

December 16, 1987

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

Telephone: (301) 252-5820

HUNT VALLEY, MARYLAND 21030

"TIMBER BROOK FARMS" FOR ZONING VARIANCE SIXTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND Beginning for the same at a point on the southeastern most right-of-way line of Timber Shed Court, being 50.00 feet wide; at the distance of 1386.32 feet southwesterly from the centerline of Slab Bridge Road, being 60.00 feet

SHAWAN PLACE, 5 SHAWAN ROAD

wide. Being Lot 7 as shown on a plat of Phase One, Timber Brook Farms as recorded among the land records of Baltimore County in plat book Liber 56, Folio 112. Also known as \$19 Timber Shed Court and containing 3.74 acres of

land, more or less. No. 45795 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT 10-11-115-200

NOTICE OF HEARING

The Zoning Commissioner of Baltimure Crussly, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified below in Rough 306 of the County Office Resident Act

Office Bushing, accessed at 111 W. Chesapouke Avenue in Towson, Marriand as follows:
Potition for Longing Variance
Core number, 88-361-A.
SES Tembre Shed Court, 1386-32

SW from o'l Slab Brudge Road (19 Timber Shed Court) 6th Einstein Dietrict --- 3rd Council

manic Unitrict
Proteurer Russell S Layman
HEARING DATE, Friday, February 5, 1996 at 9 00 a.m. Namence is allow for a 95 foot set

the required 100 hast arrhack censer line, in line of the required 100 ft

the building envelope in the event that this Petition is

souther will, however, entertain any sequest for a step of the insulance of

I ROBERT HAINE Zoning Commissioner of Baltimore Country

8 8721 635763 21045

DESCRIPTION OF LOT

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan. 14, 19 88 THIS IS 10 CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on

Jan. 14 , 1028

THE JEFFERSONIAN,

Guenn Leaders Chrecht

Advisory Committee









